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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,050	02/17/2004	Gregory L. Horne	1707JB.036732	9683
33940	7590	06/01/2005	EXAMINER	
JEFFREY S. WHITTLE BRACEWELL & PATTERSON P.O. BOX 61389 HOUSTON, TX 77208-1389			NGUYEN, DUC MINH	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/780,050

**Applicant(s)**

HORNE, GREGORY L.

**Examiner**

Duc Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 22-27 have been renumbered to claims 21-26.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Tatchell et al (5,905,774).

Consider claims 1, 5. Tatchell teaches a method of identifying incoming calls, comprising responsive to detecting an incoming call (step 86, fig(s). 8a), determining caller ID information (step 89, CLID, fig(s). 8a) associated with the incoming call without allowing an audible indicator of the incoming call to sound (at the subscriber's terminal); comparing the caller ID information associated with the incoming call with caller id information for allowable calling parties (i.e., any caller id that matches with one stored in a call screening and

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prioritization list, column(s) 20, line(s) 39 to column(s) 21, line(s) 40; or contact database, column(s) 21, line(s) 9-20); capturing the caller id information (steps 103-106, fig(s). 8b); responsive to determining a match between the caller id information associated with the incoming call and caller id information for an allowable calling party, allowing the audible indicator of the incoming call to sound (steps 108-112, fig(s). 8c); and retransmitting the caller id information (i.e., audible caller id, in the case) immediately after allowing the audible indicator of the incoming call to sound (steps 113, 115, 116 and 119, fig(s). 8d).

Consider claims 2-3. Tatchell further teaches identifying a communications device within a plurality of communications devices to which the incoming call should be routed (steps 108-112, fig(s). 8c); and passing ring signals associated with the incoming call to the identified communications device (steps 108-112, fig(s). 8c).

Consider claim 4. Tatchell further teaches responsive to determining no match between the caller id information associated with the incoming call and caller id information for an allowable calling party, passing the incoming call to an answering machine without allowing the audible indicator of the incoming call to sound (column(s) 18, line(s) 39 to column(s) 19, line(s) 25).

Consider claims 6, 12, 20. Tatchell teaches a method of identifying incoming calls, comprising responsive to detecting an incoming call (step 86, fig(s). 8a), determining caller ID information (step 89, CLID, fig(s). 8a) associated with the incoming call without allowing an audible indicator of the incoming call to sound (at the subscriber's terminal); comparing the caller ID information associated with the incoming call with caller id information for allowable calling parties (i.e., any caller id that matches with one stored in a call screening and

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prioritization list, column(s) 20, line(s)-39 to column(s) 21, line(s) 40; or contact database, column(s) 21, line(s) 9-20); capturing the caller id information (steps 103-106, fig(s). 8b); responsive to determining a match between the caller id information associated with the incoming call and caller id information for an allowable calling party, allowing the audible indicator of the incoming call to sound (steps 108-112, fig(s). 8c); and retransmitting the caller id information (i.e., audible caller id, in the case) immediately after allowing the audible indicator of the incoming call to sound (steps 113, 115, 116 and 119, fig(s). 8d). Tatchell further discloses a local exchange (telephone switching center 10, a switching network 13, and a controller 16 and/or 11, see fig(s). 1).

Consider claims 7, 13-16, 18. Tatchell further inherently teaches that the telephone switching center (10) comprises a plurality of input and output ports. Tatchell further teaches that the caller id process executed by the controller (16 and/or 11) determines two or more ports within the plurality ports to route the incoming call and passes the ring signals associated with the incoming call to the identified two or more ports (steps 108-112, fig(s). 8c and steps 113, 115, 116 and 119, fig(s). 8d).

Consider claims 8, 19. Tatchell inherently teaches that the telephone switching center (10) comprises a plurality of input and output ports. Tatchell further teaches that the caller id process executed by the controller (16 and/or 11) determines two or more ports within the plurality ports to route the incoming call and passes the ring signals associated with the incoming call to the identified two or more ports (steps 108-112, fig(s). 8c and steps 113, 115, 116 and 119, fig(s). 8d). However, Tatchell does not teach the use of wireless transmitter and receiver. Tatchell, instead, teaches the use of wire-line connection between the controller (11 and 16) and

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the switching network (13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tatchell teachings (i.e., for use with wireless device, network, etc.) without departing from the scope of the invention.

Consider claim 9. Tatchell clearly teaches the use of dual tone multi-frequency tones (see column(s) 11, line(s) 25-33; column(s) 16, line(s) 28-30; column(s) 21, line(s) 65 to column(s) 22, line(s) 8; column(s) 22, line(s) 36-38).

Consider claim 10. Tatchell further teaches call screening and prioritization list, column(s) 20, line(s) 39 to column(s) 21, line(s) 40; and contact database, column(s) 21, line(s) 9-20.

Consider claim 11. Tatchell further teaches totally block a calling party (disconnecting the call; column(s) 18, line(s) 64 to column(s) 19, line(s) 11).

Consider claim 17. Table 4.0, column(s) 17; table 5 and 6, column(s) 19-20; column(s) 17, line(s) 65 to column(s) 18, line(s) 38; and especially the “pass through” option read on the limitations of this claim.

Consider claims 21-25 (re-numbered). Tatchell further teaches identifying a communications device within a plurality of communications devices to which the incoming call should be routed (steps 94-100, fig(s). 8b and steps 108-112, fig(s). 8c); and passing ring signals associated with the incoming call to the identified communications device (steps 108-112, fig(s). 8c).

Consider claim 26 (re-numbered). Column(s) 19, line(s) 51 through column(s) 20, line(s) 38 reads on the limitations of this claim.


### ***Conclusion***

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571)272-7503. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Duc Nguyen  
Primary Examiner  
Art Unit 2643

5/27/05